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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN TOUCH CONCEPTS, INC., d/b/a ZCOM,

*Plaintiff,*

-against-

**Civil Action Number:  
13 CV 1419 (PKC)**

CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS, TOM VERGHESE, RYAN  
BROOMES, JORGE VELEZ, ANTHONY  
FIOCCO, BRUNO PAVLICEK, AJAY  
BHUMITRA, SHELLY BHUMITRA,  
POONAM SAWNHEY; and, JOHN/JANE  
DOE CELLCO PARTNERSHIP d/b/a  
VERIZON WIRELESS PERSONNEL ##  
1-10, so named as their identities have yet  
to be established,

*Defendants.*

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**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law and upon the prior papers and proceedings herein, the plaintiff **IN TOUCH CONCEPTS, INC., d/b/a ZCOM**, by its attorneys **THE LAW FIRM OF RAVI BATRA, P.C.** will move this Court, United States District Judge P. Kevin Castel, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street,

New York, NY 10007, Courtroom 12C, on at a return date to be established by Order of the Court and pursuant to the Individual Practices of Judge Castel for (a) an Order pursuant to Fed. R. Civ. P. 54(b), Fed. R. Civ. P. 60(b) and L. Civ. R. 6.3, granting the plaintiff reconsideration and/or reargument of the Court's Order of June 4, 2013 (Dkt 87) which granted certain portions of the defendants' motions to dismiss the First Amended Complaint in the instant action, and in place of the Order of June 4, 2013, an Order be issued and entered:

- a. retaining those portions of the Order which denied relief as to Counts II and III;
- b. vacating the grant of that prong of the defendants' motions which sought dismissal of Counts I, V and VIII - XI and reinstating same as to all defendants, including Cellco Partnership d/b/a Verizon Wireless, Verghese, Broomes, Velez, Pavlicek and Fiocco;
- c. vacating the grant of relief as regards Counts II and III as to defendant Varghese; and,
- d. for such other and further relief as the Court may find just, proper and equitable.

**PLEASE TAKE FURTHER NOTICE** that affirmative relief is not sought as to the counts against defendants Ajay Bhumitra, Shelly Bhumitra and Poonam Sawney, as the Honorable Court exercised its discretion to remand all counts against those defendants to the Supreme Court of the State of New York for the County of New York.

**PLEASE TAKE FURTHER NOTICE** that pursuant to L. Civ. R. 6.3, the time periods for the service of answering and reply memoranda, if any, shall be governed by L. Civ. R. 6.1(b).

Dated: New York, New York  
June 18, 2013

Respectfully submitted,  
THE LAW FIRM OF RAVI BATRA, P.C.  
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To (Via ECF):

Clerk of the Court  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Hon. P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
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